

ADOT Standard Specifications for Road and Bridge Construction, 2000

SECTION 104 SCOPE OF WORK

104.1 Intent of Contract:

The intent of the contract is to provide for the construction and completion of the work to the satisfaction of the Department. The contractor shall furnish experienced supervision and labor, and all materials, equipment, tools, transportation and supplies required to complete the work in accordance with the plans, specifications and terms of the contract.

(A) Covenant of Good Faith and Fair Dealing:

This contract imposes an obligation of good faith and fair dealing in its performance and enforcement.

The contractor and the Department, with a positive commitment to honesty and integrity, agree to the following mutual duties:

- (1) Each will function within the laws and statutes applicable to their duties and responsibilities.
- (2) Each will avoid hindering the other's performance.
- (3) Each will proceed to fulfill its obligations diligently.
- (4) Each will cooperate in the common endeavor of the contract.

(B) Partnering:

The Department encourages the foundation of a cohesive partnering with the contractor and its principal subcontractors and suppliers. This partnering is not a legal partnership as defined by Arizona law. Partnering will be structured to draw on the strengths of each organization to identify and achieve reciprocal goals. The objectives are effective and efficient contract performance and completion within budget, on schedule, and in accordance with the contract.

The establishment of a partnering charter on a project will not change the legal relationship of the parties to the contract nor relieve either party from any of the terms of the contract.

Any cost associated with effectuating partnering will be agreed to by the Department and the contractor and will be shared equally between them.

To implement this partnering initiative prior to starting of work in accordance with the requirements of Subsection 108.02 and prior to the preconstruction conference, the contractor's management personnel and the District engineer will initiate a partnering development seminar/team building workshop. The Department and the contractor will make arrangements to determine attendees at the workshop, the agenda of the workshop, its duration and its location. Persons required to be in attendance will be the Department's Construction Supervisor and key project personnel; the contractor's on-site project manager and key project supervision personnel of both the prime and principal subcontractors and suppliers. The project design engineers, FHWA and key local government personnel will also be invited to attend as necessary. The contractors and the Department will also be required to have Regional/District and Corporate/State level managers on the project team.

Follow-up workshops may be held periodically throughout the duration of the contract as agreed by the contractor and the Department.